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## NOTICE OF ALLOWANCE AND FEE(S) DUE

8791 7590 05/20/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 05/20/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,401

03/31/2004

Uttam K. Sengupta

42P19078

9605

TITLE OF INVENTION: TRANSMISSION OF SERVICE AVAILABILITY INFORMATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	08/20/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

8791 7590 05/20/2008

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,401	03/31/2004	Uttam K. Sengupta	42P19078	9605
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TITLE OF INVENTION: TRANSMISSION OF SERVICE AVAILABILITY INFORMATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	08/20/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
RAMPURIA, SHARAD K	2617	455-414100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/816,401	03/31/2004	Uttam K. Sengupta	42P19078	9605
8791	7590	05/20/2008	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 05/20/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 165 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 165 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/816,401

Examiner

Sharad Rampuria

Applicant(s)

SENGUPTA ET AL.

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/03/2008.
2. ☒ The allowed claim(s) is/are Claims 1-5, 8-11 and 13-17 (renumbered as 1-15 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

Claims 6, 12, and 18-46 are cancelled.

Claims 1-5, 8-11 and 13-17 (renumbered as 1-15 respectively) are patentable.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The closest prior art, Fitzpatrick et al. (US 6842719) teaches A real-time buffer manager system that calculates optimal food buffer levels, for both completed products and product components, based on real-time counts of restaurant patrons throughout a restaurant's property and the estimated time for them to arrive at a food ordering station. The real-time buffer manager employs a computer vision system, running a series of 2D image processing techniques that detect and track vehicles and people in several camera views. Patron counts are fed from the computer vision system into a queuing model that estimates when each patron will arrive at an ordering station. Thus, instead of analyzing historical sales data, the buffer manager according to the present invention electronically performs direct measurement of probable future demand, and electronically predicts, in real-time, what the future food product demand will be in a predetermined time (e.g., 3-5 minutes) immediately following the direct measurement of the demand. (Abstract)

The closest prior art, Calvert; Brian Edward (US 6526275 B1) teaches A communication system (100) employs a method for informing a user of a communication device (e.g., 101) where to obtain a product. The communication system determines an

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approximate location of the communication device and whether a particular requested product or one or more other potentially desirable products are available in a general vicinity of the device. When the particular or potentially desirable product is so available, a context engine server (109) of the communication system conveys a product information request and optionally other purchaser-related information to multiple product providers (120). The context engine server receives responses to the product information request from at least some of the product providers, wherein at least some of the responses preferably include offers to pay respective advertising fees. The context engine server generates a list of product providers based on the responses and provides the list to the communication device for display to the device user. (Abstract)

The next prior art, Cotter (US 4797818) teaches A computerized order/delivery system for use in the food service industry includes a central computer that accepts customer food orders and, based on a customer identifier, automatically selects the store that is to prepare the food and transmits the required information to that location. (Abstract)

The closest prior art, Smith. (US 7035731) teaches A notification server (100) is coupled to a database (102). The database (102) includes information relating to a user service and a threshold for notifying the user of the availability of the service. The threshold is based upon a then current location of the user and an availability of the service relative to the then current location of the user. The notification server (100) is operable to generate an alert based upon the user service, the then current location of the user and the threshold and to communicate the alert to the user via a communication interface (104). (Abstract)

The next prior art, Wheat (US 20020095312 A1) teaches A method and apparatus for providing realtime information between a mobile station and at least one fixed station utilizing a business to business (B2B) engine. A subscriber utilizing a mobile station (MS) may send a request to a B2B engine to find a nearby fixed station, i.e., a restaurant. A reservation management company i.e., a service provider, interconnected with the B2B engine, may provide a reservation application to member restaurants and a restaurant module for integration with the B2B engine. The B2B engine provides an exchange point for passing realtime information between the restaurant and the mobile station. The restaurant module and the B2B engine communicate with the reservation application to automatically place and manage reservations according to an estimated time of arrival for the mobile station subscriber. Any adjustments may be made prior to arrival and all procedures may be done automatically without human intervention. (Abstract)

The closest prior art, Hollenberg (US 6091956) teaches A wireless system for providing services and time-critical information about places and events to mobile computers and their users proximate to their current locations or potential destinations within enclosed areas, urban landscapes, and open areas, including travel distances and transit times, entertainment, merchants' messages, area attractions, communications, current locations of system users, and traffic congestion information and user-generated information from bar-coded objects and digital photographs of scenes and other materials. Included is a combination low-radiation dosage-reception handset for wireless communications which includes bar-code reader and digital camera peripheral devices for mobile computers, a bracket for interfacing a mobile computer with radio to external systems, and methods for improving the operations of computer reception, search, and

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display of such information for the edification, efficiency, and enjoyment of computer users. (Abstract)

The next prior art, Rao et al. (US 6865261) teaches A method for making a personal gastronomic decision or receiving instruction involving price, availability, safety and convenience information for food, such as for dining. The method involves sending an inquiry from a display device to a central server and transmitting the inquiry from the server to an information source. On receiving an action from the source to the server, the method involves personalizing the action for a particular user, interfacing the action with the display device from the server, and displaying the action. The display device may be a mobile device such as a Palm Pilot or a cell phone. The display device may have a tactile, audible, or visual interface. Any language may be translated, and any of the steps may be performed at a desired time. (Abstract)

The closest prior art, Westerlage et al. (US 5724243) teaches A system (10) for determining an expected time of arrival of a vehicle (40) equipped with a mobile unit (42) includes a dispatch (20) remotely located from the vehicle (40). The dispatch (20) generates destination information for the vehicle (40), the destination information specifying at least one destination. The mobile unit (42) includes a mobile communications device (90) to receive the destination information for the vehicle (40) generated by the dispatch (20). The mobile unit (42) also includes a positioning receiver (80) to determine a vehicle position. In response to the destination information received from the dispatch (20) and the vehicle position, the mobile unit (42) determines the expected time of arrival of the vehicle. (Abstract)



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The next prior art, Livingston et al. (US 20030213840 A1 ) teaches An on-premises restaurant communication system for communicating a particular customer's table location to a food server at a central service counter. A communication device is mounted on each of the tables in the restaurant, and has a unique table identifier stored therein. The particular customer is provided with a data token on which a customer number is encoded. The customer selects a table and inputs the token in the communication device mounted on the selected table. In response to reading the customer number, the communication device sends a message to the central service counter that includes the unique table identifier and the customer number. There, the table identifier and the customer number are extracted from the received message, and a table location is determined and provided to the food server. (Abstract)

However, all the above combination fails to anticipate or render the claimed limitations in combination with all the recited limitations of the disclosed independent claims obvious (**viewed the entire claim as a whole**), over any of the prior art of record, alone or in combination.

Consequently, the disclosed independent claims are allowed on behalf of above-discussed reasons, and also preserved via Applicants arguments and remarks filed on 03/03/2008 as well. Since the disclosed dependent claims are dependant on one of the above independent claims, therefore they are also patentable.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or [EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617